

NO. 61946 **ASSIGNED**

APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAR 11 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed 3-18-96 UNDER 61946

The applicant **Independence Mining Company, Inc.**, hereby makes application for permission to change the place of use of a portion of water heretofore appropriated under permit #42687

1. The source of water is **underground (Well#3)**
2. The amount of water to be changed **0.2 c.f.s.**
3. The water to be used for **Same as existing**
4. The water heretofore permitted for **mining, milling & domestic**
5. The water is to be diverted at the following point **same as existing NW1/4 NE1/4 Section 33, T.41N., R.54E., M.D.M., from which the SW corner of said section bears S. 44°36' W., 5,599 ft. dist.**
6. The existing permitted point of diversion is located within **NW1/4NE1/4 Section 33, T.41N., R.54 E., M.D.M., from which the SW corner of said section bears S. 44° 36' W., 5,599 ft. dist.**
7. Proposed place of use **See attached**
8. Existing place of use **Lot 17 (NE1/4NE1/4) Section 4, T.40N., R.54E., M.D.M.,: S1/2, NW1/4, W1/2NE1/4, SE1/4NE1/4 Sec. 33, T.41 N., R.54E., and approximately 6 miles of haul road through portion of Secs. use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation. 25, 26 and 35, T. 41N., R 53E., and Secs. 29, 30, 32 and 33, T.41N., R.54E.**
9. Use will be from **same as existing** to of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled & cased well (existing), with gravel packing, turbine pump and motor, storage tanks and pipeline distribution network.**
12. Estimated cost of works **estimate \$20,000.00 (new pipeline and tanks, only)**
13. Estimated time required to construct works **one year**
14. Estimated time required to complete the application of water to beneficial use **two years**
15. Remarks: **This application is submitted to describe an expanded place of use as new ore deposits are mined, and as additional access, and ore hauling roads are constructed.**

By **s/William A. Nisbet, Agent**
421 Court Street
Elko, Nevada 89801

Compared jp/gkl cl/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of an underground source as heretofore granted under Permit 42687 is issued subject to the terms and conditions imposed in said Permit 42687 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 39881 Certificate 11893; 42687; 47148 Certificate 13139; 47413; 47414; 48175 Certificate 13143; 54617; 58426-E; 58427-E; 58428-E; 58429-E; 58430-E; 58431-E; 58432-E; 58433-E; 58744-E; 59274; 61740-E, 61780-E; 61781-E, and 61946 shall not exceed 5,834.9 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly measurements shall be kept of the following: the volume of water pumped from each well, the rate of diversion pumped from each well, the measurement of pumping water level (drawdown) from each well and the volume of water consumptively used for mining and milling uses, projectwide. The measurement shall be submitted to the State Engineer within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.2 cubic feet per second, but not to exceed 144.8 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed

on or before:

N/A

Proof of completion of work shall be filed before:

N/A

Application of water to beneficial use shall be filed on or before:

August 7, 1998

Proof of the application of water to beneficial use shall be filed on or before:

September 7, 1998

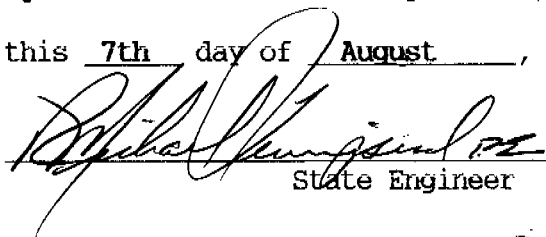
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 7th day of August, A.D. 1996


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

#7. Proposed place of use

T.40N.,R.53E., M.D.M.

All of Sections 1,2,3; all ^{of} ~~except SW¼~~ Section 4; E½ Section 9; all of Sections 10, 11, 12; E½NE¼ and NE¼SE¼ Section 13; N½ and SW¼ Section 14; all of Sections 15, 16; E½ Section 17; E½E½ Section 19; all of Sections 20, 21, 22; NW¼ Section 23.

T.41N.,R.53E., M.D.M.

All of Sections 25, 26; E½ and SW¼ Section 27; S½ Section 28; all of Sections 33, 34, 35, 36.

T.40N.,R.54E., M.D.M.

W½ Section 3; all of Sections 4, 5, 6, 7, 8; W½NE¼ and NW¼ Section 17; NE¼, N½SE¼E½NW¼, NE¼SW¼ and Lots 1, 2 and 3 of Section 18.

T.41N.,R.54E., M.D.M.

S½NE¼, SE¼, SE¼NW¼, E½SW¼ and Lots 2, 3 and 4 of Section 19; S½ Section 20; all of Sections 29, 30, 31, 32, 33; W½ Section 34.